

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
March 10, 2004
MAG Office Building - Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Terry Ellis, Peoria, Chair	Horatio Skeete, Litchfield Park
Mike Hutchinson, Vice Chair, Mesa	Tom Martinsen, Paradise Valley
# George Hoffman, Apache Junction	Frank Fairbanks, Phoenix
Kristin Greene Skabo for Todd Hileman	Cynthia Seelhammer, Queen Creek
Avondale	* Bryan Meyers, Salt River Pima-Maricopa
Joe Blanton, Buckeye	Indian Community
Jon Pearson, Carefree	Jan Dolan, Scottsdale
Usama Abujbarah, Cave Creek	Sintra Hoffman for Jim Rumpeltes, Surprise
Mark Pentz, Chandler	Randy Gross for Will Manley, Tempe
* B.J. Cornwall, El Mirage	Ralph Velez, Tolleson
# Tim Pickering, Fountain Hills	Shane Dille, Wickenburg
# Mayor Chris Riggs, Gila Bend	* Mark Fooks, Youngtown
Urban Giff, Gila River Indian Community	Andy Smith for Victor Mendez, ADOT
George Pettit, Gilbert	Mike Sabatini for David Smith,
Ed Beasley, Glendale	Maricopa County
Stephen Cleveland, Goodyear	Ken Driggs, Valley Metro/RPTA
Tom Morales, Guadalupe	

*Those members neither present nor represented by proxy.

Participated by videoconference or telephone conference call.

1. Call to Order

The meeting was called to order by Chairman Terry Ellis, at 12:07 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chairman Ellis announced that Tim Pickering was attending the meeting via telephone conference call and Mayor Riggs and George Hoffman via videoconference call.

Chairman Ellis stated that transit tickets were available from Valley Metro/RPTA for those using transit to come to the meeting. Parking validation was available from MAG staff for those who parked in the parking garage.

Chairman Ellis stated that revised summary transmittals for agenda items #5E, #5F and #7 were at their place. He noted that additional material was at their place for agenda item #7 that includes a copy of the comments received at the March 1st public hearing and the response to comments, and a revised legislative summary for agenda item #9.

3. Call to the Audience

Chairman Ellis stated that Call to the Audience provides an opportunity to the public to address the Management Committee on items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Chairman Ellis noted that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. Public comments have a three minute time limit and there is a timer to help the public with their presentations. When two minutes have elapsed, a yellow light will come on notifying the speaker that they have one minute to sum up. At the end of the three minute time period, a red light will come on. Chairman Ellis stated that for members of the audience who wish to speak, comment cards are available from the staff.

Chairman Ellis recognized public comment from Diane Barker. Ms. Barker thanked the Management Committee for the opportunity to speak. She explained that she speaks at these public meetings to encourage citizen participation and to move information. Ms. Barker noted that in the latest MAGazine, Mayor Scruggs stated that “the focus can now shift from the legislative process to informing residents about what is in the Regional Transportation Plan.” Ms. Barker stated that she would like to see more processing of information. She noted that citizens on the radio have been saying that this tax should be a one percent tax to get the job done. Ms. Barker thanked the Committee again and stated that she was not given an opportunity to speak before the legislature and that it was an excluded process. She noted that there are some potential legislative laws that could affect the transportation bill, such as the property/business owner’s potential lawsuit regarding light rail.

4. Executive Director’s Report

Dennis Smith reported on federal transportation legislation. Mr. Smith explained that the TEA-21 authority was going to expire on February 29. He noted that congress finally agreed to extend TEA-21 for an additional two months or until April 30. Mr. Smith stated that the administration has recently increased the size of its six-year reauthorization proposal from \$249 billion to \$256 billion. The Senate SAFETEA bill, however, would cost \$318 billion and the draft bill released by the House Transportation and Infrastructure Committee in November would cost \$375 billion. Mr. Smith noted that there has been discussion in the last couple of weeks about a two-year, versus a six-year, reauthorization bill. In addition, there are reports that the House Transportation and Infrastructure Committee will scale its six-year bill back to around \$300 billion, including \$279.5 billion in “guaranteed firewall” money.

Mr. Smith stated that the Desert Peaks Awards will be held in conjunction with the Annual Regional Council meeting on June 23, 2004 at the Arizona Club. He noted that some sponsors have already confirmed. The nomination forms have been sent out and are due back on March

29th. Mr. Smith stated that we are in the process of selecting judges and would welcome any suggestions from the member agencies.

Mr. Smith stated that as part of MAG's public outreach, MAG will be at the Chandler Fashion Center on March 20, 2004.

Mr. Smith discussed the "Building a Competitive Regional Community" project that is an important item in the Work Program and its implementation will be decided by the member agencies. He stated that MAG will provide raw data to member agencies and they will run their own models. Mr. Smith stated that a workshop for this proposed FY 2005 project is scheduled for Thursday, March 11 from 1:00 to 3:00 p.m. in the Saguaro Room. He noted that many regions in California are organized around economic development and we should keep our region competitive with these regions.

Mr. Smith stated that he would like to thank John Schell for his hard work on the eight-hour ozone air quality designation. He noted that just before this meeting, we received a copy of a letter to the EPA signed by Representative Trent Frank, Representative John Shadegg, Representative Ed Pastor, Representative J.D. Hayworth and Representative Jeff Flake requesting a full consideration to the review of the proposed rulemaking related to the eight-hour ozone air quality designation in Maricopa County.

5. Approval of Consent Agenda

Chairman Ellis stated that public comment will be received before taking action on the consent items. Each speaker is provided with a total of three minutes to comment on the consent agenda. After hearing public comments, any member of the Committee can request that an item be removed from the consent agenda and considered individually. Chairman Ellis stated that agenda items #5A through #5G were on the consent agenda.

Vice Chair Hutchinson moved to recommend approval of consent agenda items #5A through #5G. Mr. Skeete seconded, and the motion carried unanimously.

5A. Approval of February 11, 2004 Meeting Minutes

The Management Committee, by consent, approved the February 11, 2004 meeting minutes.

5B. Red Letter Notification

The Regional Council approved the Red Letter Process in 1996 to provide early notification of potential development in planned freeway alignments. Development activities include actions on plans, zoning, and permits. Notifications were placed on the consent agenda for information and discussion at the Transportation Review Committee, Management Committee, and Regional Council meetings. The item could then be placed on the agenda of a subsequent meeting for action. This agenda item was for information and discussion.

5C. FY 2003-2004 Annual Transit Performance Report

The Annual Transit Performance Report is prepared and updated annually by the Valley Metro/Regional Public Transportation Authority on behalf of MAG. In addition to describing proposed transit adjustments that will occur in FY2004, the report also includes a summary of the regional transit system's operating characteristics for FY 2003. The report was developed using input from MAG member agencies and citizen participation efforts that are normally conducted throughout the year. This agenda item was for information and discussion.

5D. Amendment to the FY 2004-2007 MAG Transportation Improvement Program for Highway Projects in Gilbert, Phoenix, Scottsdale and Tempe

The Management Committee, by consent, recommended an amendment to the 2004-2007 MAG TIP to transfer \$377,800 in CMAQ funds from one Town of Gilbert bicycle/pedestrian project to two others; to allow the advance design and advance purchase of right-of-way projects for the City of Phoenix to be added to the TIP; to transfer \$1,600,000 in CMAQ funds from one City of Scottsdale intersection improvement project to another; and to transfer \$317,100 in CMAQ funds from a City of Tempe pave dirt road project to a pedestrian improvement project that Tempe intends to advance construct in FY 2004. The FY 2004-2007 MAG Transportation Improvement Program (TIP) was approved by the Regional Council on November 25, 2003. Since that time, the Town of Gilbert has requested to adjust the Federal funds allocated to three adjoining canal bank multi-use path projects to split the Congestion Mitigation and Air Quality (CMAQ) funds awarded to the central project between the other two projects; the City of Phoenix has requested that they be allowed to advance design and advance purchase the right-of-way for an FY 2006 funded multi-use underpass project; the City of Scottsdale has requested to be allowed to switch funds from one intersection improvement project to another; and the City of Tempe has requested to switch \$317,000 in CMAQ funds from a pave dirt road project to a pedestrian improvement project. At their February 26, 2004 meeting, the Transportation Review Committee recommended approval of these four amendments. Please refer to the enclosed material.

5E. Recommendations to Arizona Department of Transportation for the FTA Elderly and Persons with Disabilities Transportation Program (EPDT)

The Management Committee, by consent, recommended forwarding the priority listing of applicants for FTA Elderly and Persons with Disabilities Transportation Program to the Arizona Department of Transportation. The Federal Transit Administration (FTA) provides approximately \$2.1 million to the Arizona Department of Transportation (ADOT) for capital assistance to agencies and public bodies that provide transportation services for people who are elderly and for people with disabilities. ADOT has again requested that the MAG Elderly and Persons with Disabilities Transportation Ad Hoc Committee rank the Maricopa applications for the FTA Section 5310 funding. The ranking provided by MAG is considered by ADOT in determining which applicants are to be awarded funding. This year, 15 applications for capital assistance awards, totaling 25 van requests and one radio request, were received. The Committee met the morning of March 8, 2004 to rank the applications. An update was provided on the ranking and recommendations of the Committee.

5F. Recommendation of Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2004 CMAQ Funding

The Management Committee, by consent, recommend a prioritized list of proposed PM-10 certified street sweeper projects for FY 2004 CMAQ funding and retain the prioritized list for any additional FY 2004 CMAQ funds that may become available due to year-end closeout, including any redistributed obligation authority, or additional funding received by this region from the Revenue Aligned Budget Authority provisions. The FY 2004 Unified Planning Work Program and FY 2004-2007 MAG Transportation Improvement Program contain \$1,460,000 in Congestion Mitigation and Air Quality (CMAQ) funding and the remaining \$264,879 in FY 2001 sweeper funding for the purchase of PM-10 certified street sweepers in FY 2004. PM-10 certified street sweeper projects were solicited from member agencies in the Maricopa County PM-10 nonattainment area and 14 applications requesting \$2.1 million in federal funds were evaluated. The MAG Air Quality Technical Advisory Committee may make a recommendation on a prioritized list of proposed PM-10 certified street sweeper projects for FY 2004 CMAQ funding on March 4, 2004. An update was provided on the action taken by the Committee.

5G. Conformity Consultation

MAG is conducting consultation on a conformity assessment for an amendment to the FY 2004-2007 MAG Transportation Improvement Program. The amendment is necessary to incorporate revisions to existing federal aid projects, including: a Town of Gilbert CMAQ pedestrian/bicycle project at the Consolidated Canal between Baseline Road and Galveston Street, a City of Phoenix CMAQ pedestrian/bicycle project at Arizona Canal Diversion Channel and 51st Avenue, a City of Scottsdale CMAQ intersection improvement project at Hayden and Thomas Roads, and a City of Tempe CMAQ pedestrian improvement project. This item was on the agenda for consultation.

6. ADOT Life Cycle Program and Statewide Program Fiscal Year 2009 Projects

Eric Anderson explained that there are two parts to this item. He noted that the proposed FY 2009 Statewide Program is interim, pending the extension of the half-cent sales tax and programming of new projects as identified in the Regional Transportation Plan. He explained that if the sales tax is extended, the Statewide Program will be revised.

Mr. Anderson stated that the first project to note involves the Bethany Home Road interchange. He noted that the Tentative ADOT Life Cycle Program contains two listings for this project. He stated that these listings refer to the north half of the interchange only, and to be consistent with the description as it is listed in the MAG TIP, the ADOT Life Cycle Program listings need to be revised to remove the reference to the north half, which will allow the application of funds as needed to the southern half. ADOT staff have indicated support for making this change for the final ADOT Life Cycle Program.

Mr. Anderson stated that the second project involves a park and ride lot and associated access planned for Maryland Avenue in the City of Glendale. He noted that ADOT staff have indicated that the Statewide program includes \$3 million in funding in FY 2005 for a park and ride. This

funding is linked to the project identified in the MAG TIP to provide access to the park and ride lot in Maryland Avenue. Mr. Anderson also noted that Glendale's financial participation for the Grand Avenue project at 59th avenue is still being negotiated and will be modified before the Life Cycle Program is adopted. He explained that ADOT is requesting that the draft list of projects for FY 2009 and the attached update to the Life Cycle Program be approved by MAG for public review and comment.

Mr. Fairbanks asked if there is a map as part of this item that shows the location of the freeway south of South Mountain. Mr. Anderson replied that there is not as part of this item and that funding for the South Mountain is contingent on the extension of the half-cent sales tax. Mr. Fairbanks confirmed that there is no map that shows Pecos Road. Mr. Beasley confirmed that the north part of Bethany Home Road is being removed. Mr. Anderson replied that is correct and that MAG will be sending a letter to ADOT in response to comments received. Chairman Ellis thanked Mr. Anderson for his presentation.

Jan Dolan moved to recommend approval of the draft FY 2009 project list for the MAG Region Statewide Program and the update of the Life Cycle Program for the MAG Regional Freeway System for the purpose of public review and comment. Shane Dille seconded, and the motion carried unanimously.

7. Draft MAG One-Hour Ozone Redesignation Request and Maintenance Plan

Lindy Bauer stated that ozone is formed by chemicals mixing in the air with minimal wind, high temperatures and sunlight. She noted that Maricopa County has had no violations of the one-hour ozone standard since 1996. Ms. Bauer stated that the Environmental Protection Agency (EPA) is being officially requested to redesignate Maricopa County from a serious area to an attainment area. She noted that this would require EPA to determine that the standard is attained, that EPA approve the Serious Area Plan, that EPA determine that the air quality improvement is due to permanent and enforceable reductions in emissions, that the state meets Clean Air Act requirements for the Plans, and that EPA approve the Maintenance Plan.

Ms. Bauer reviewed the 2015 volatile organic compounds and nitrogen oxide emission reductions from individual maintenance measures in the One-Hour Ozone Maintenance Plan. Ms. Bauer noted that Maricopa County is also required to have contingency measures. These contingency measures consist of the Expansion of Area A Boundaries, as defined by the Legislature, to the West. She noted that Area A includes portions of Maricopa, Pinal and Yavapai Counties. The next two contingency measures come from the vehicle inspection program and include the Gross Emitter Waiver Provision and the Increased Waiver Repair Limit. Ms. Bauer then reviewed the budgets for conformity proposes. She noted that on March 1, 2004, a public hearing was conducted on the Draft MAG One-Hour Ozone Redesignation Request and Maintenance Plan. Comments were received and presented to the Air Quality Technical Advisory Committee on March 4, 2004. Ms. Bauer stated that this item is on the agenda for action to recommend adoption of the Draft MAG One-Hour Ozone Redesignation Request and Maintenance Plan for the Maricopa County Nonattainment Area. Chairman Ellis thanked Ms. Bauer for her presentation. No comments from the committee were noted.

Stephen Cleveland moved to recommend adoption of the Draft MAG One-Hour Ozone Redesignation Request and Maintenance Plan for the Maricopa County Nonattainment Area. Jan Dolan seconded, and the motion carried unanimously.

Chairman Ellis thanked Stephen Cleveland for his efforts in chairing the Air Quality Committee and also thanked Jan Dolan for chairing the Transportation Review Committee, which was discussed in agenda item number six.

8. MAG Regional Videoconferencing System Awards

Chairman Ellis introduced Heidi Pahl to present the MAG Regional Videoconferencing System Awards. Ms. Pahl stated that the MAG Regional Videoconferencing System (RVS) has been operational for one year and nine months and during that time, MAG has collected and analyzed data on videoconferencing usage. She stated that to recognize outstanding levels of videoconferencing usage among MAG member agencies and MAG committees, a Videoconferencing Recognition Program has been created. The goal of the Recognition Program is to encourage and sustain videoconferencing over the long term. Ms. Pahl stated that the six awards that will be presented today are for calendar year 2003 accomplishments.

Ms. Pahl announced the award winners. The award for “Most Videoconferences by a MAG Member Agency” goes to Guadalupe. Guadalupe had a total of 36 videoconferences. Tom Morales accepted the award for the Town of Guadalupe.

The award for “Most Videoconferences by a MAG Committee” was given to the Building Codes Committee who had the most videoconference meetings with eight videoconferences in calendar year 2003. Bob Lee from the Town of Cave Creek and Chair of the Building Codes Committee accepted the award for the Committee.

The award for “MAG Committee with the Most Remote Videoconference Participants” was given to the Management Subcommittee on 2005 Population Options for the most remote videoconference participants at their committee meetings in calendar year 2003 with 24 remote participants. George Pettit, Chair of the Management Subcommittee on 2005 Population Options accepted the award for the committee.

The award for the “Most Miles Saved by a MAG Member Agency” was given to Wickenburg with 4,557 miles saved in 2003. Shane Dille accepted the award for the Town of Wickenburg.

The award for “Best Use of Multipoint Videoconferencing” was given to Valley Metro who had more than 180 people attend the 2003 Valley Metro Ozone Workshops via multipoint videoconference. Mike Hutchinson, Chair of the Valley Metro Management Committee accepted the award.

The final award for “RVS Committee Champion” was given to MAGTAG who has consistently promoted the RVS and is a champion of the technology. MAGTAG has been instrumental in getting the project started and in pushing for its continued success. Greg Binder from the City of Phoenix and Chair of the MAGTAG accepted the award.

Chairman Ellis thanked Ms. Pahl for the presentation and staff for bringing this technology forward.

9. Legislative Update

_____ An update was provided on legislative bills of importance to MAG. Tom Remes reviewed the matrix of MAG related bills. He stated that there are two bills pertaining to left turn signals. HB 2653 -- Leading Left Turn Signals, has been assigned to the House Transportation, Utilities and Municipalities and Rules, but has not be set on any agendas. SB 1271 -- Lagging Left Turn Signals, sponsored by Senator Thayer Verschoor, has passed its Senate committees, but has yet to be heard by the entire body.

HB 2698 – Light Rail Utility Relocation, was held by its sponsor in the Transportation committee. This bill would have been effective if voters approve the sales tax extension in November 2004. He noted that a striker in the House Transportation would have allowed a business owner who is located on a light rail route and suffers an economic loss due to light rail to apply for compensation of the loss.

HB 2582 – Regulatory Reform, that is sponsored by Representative Huppenthal, adds counties, cities, towns and councils or associations of local governments to the requirements of state administrative-procedures laws when they exercise a government function that was delegated or designated to them by the governor, the legislature or a state officer or agency. This bill has not moved forward.

Mr. Remes reviewed the two retirement bills, HB2029 and HB 2049. HB 2029 has passed the House and is moving quickly through the Senate. HB 2049 is of particular interest to MAG in that it creates a new category of political subdivision entities. This bill passed the House and has been assigned to the Senate Finance and Rules committee.

He noted that HB 2165 – Annexation of Noncontiguous Areas, allows certain annexation requests to be decided by the regional planning agency. Mr. Remes stated that this bill is not moving forward.

HB 2614 – Recreational Corridor Channelization Districts, would create a new special district to oversee floodway facilities and restoration projects. This bill was heard in the House Ways and Means committee where the Chair decided to hold the bill due to a number of unanswered questions. SB 1043 – Municipal Business Location Incentives, sponsored by Senator Harper, requires a municipality providing tax incentives to retail business locating within the municipality to pay the Department of Commerce the total amount of the offered incentives. This bill is dead since it failed to pass the Senate.

SB 1341 – Relating to Affidavit, sponsored by Senator Verschoor, eliminates the exemption for political subdivisions from the requirement to file an affidavit of legal value with a deed evidencing a transfer of title and any contract relating to the sale of real property. Mr. Remes reminded the committee that County Assessor Kevin Ross made a presentation on this issue at

last month's Management Committee meeting. He noted that this will move to the Senate Committee of the Whole tomorrow, March 11, 2004.

SCR 1047 – Supermajority Vote; Enabling Local Taxes, states that the 2004 general election ballot is to carry the question of amending the state constitution to require a two-thirds vote of each house of the Legislature to authorize a city, town, county or special tax district to impose a new tax, increase an existing tax or reduce a tax exemption or deduction. Chairman Ellis thanked Mr. Remes for the update.

10. Discussion of the Draft FY 2005 MAG Unified Planning Work Program and Annual Budget and Expenditures and Projects in the MAG Unified Planning Work Program and Annual Budget.

Becky Kimbrough provided the Committee with an update on the development of the FY 2005 MAG Work Program. Ms. Kimbrough stated that the Committee received the draft narrative by program areas, the budget summary, revenues and expenditures by program area at the end of each program area. She noted that the Appendix also includes the overall funding allocation pages by division as well as the draft dues and assessments and budgeted positions. Ms. Kimbrough noted that there have been a few changes to the budgeted revenues and expenses and the Community Emergency Notification System (CENS) funding has been reclassified to ongoing programs since the program started during the current fiscal year. She noted that this was adjusted out of the local activity line item for FY 2005. Ms. Kimbrough stated that one of the Government Finance Officers Awards comments for the MAG budget is to have Work Program goals in place and tie the projects in the overall work program to these goals. She noted that the MAG managers have drafted Regional Goals for each MAG program division area.

Ms. Kimbrough stated that during the February Executive Committee meeting, a member of the committee questioned whether MAG should proceed with two of the new projects proposed for FY 2005: School Crossing Safety Training Workshop and Walking and Bicycling in the 21st Century Conference Series. She noted that these two projects are also highlighted in your draft budget narrative. These projects will be discussed further with the Executive Committee at their March meeting.

Ms. Kimbrough noted that a newly proposed project, "Building a Competitive Regional Community," will hold a workshop in the Saguaro Room on March 11, 2004 from 1:00 to 3:00 p.m.

Ms. Kimbrough addressed the West Valley Needs Assessment Project. She noted that this was discussed at the West Valley Mayor's and Manager's meeting. Based on the input received, this project will not move forward. She noted the adjustment downward of \$75,000 of the proposed Dues and Assessments currently in the Work Program and the revised draft of the Dues and Assessments will be provided to you at the April Management Committee meeting.

Ms. Kimbrough stated that the TIP has a "Safety Management System Project" programmed for ADOT in FY 2005. She noted that in discussions with ADOT and MAG, it was agreed that this project will be proposed for FY 2005 as a MAG project. She stated that it is a regional system and is likely to meet some of the requirements for reauthorization. Ms. Kimbrough noted that

the funding from this project is from the state. She stated that staff will continue to update the Committee on the status of this project.

Ms. Kimbrough stated that the Compensation Study is proceeding as scheduled and we expect to have these results and any recommendations by early May. She stated that as noted at the last Management Committee meeting, the draft budget has two additional proposed staff positions for FY 2005.

Stephen Cleveland commented on the West Valley Needs Assessment Project and requested that the Management Committee support a stakeholders group to develop a better understanding of the West Valley's needs and try to build a basis on which to make a decision one year from now. Chairman Ellis stated that he feels that the request has merit. Shane Dille agreed and that we should take some intermediate steps. Chairman Ellis thanked the staff for the early look at the budget.

Frank Fairbanks commented that Phoenix will be cutting \$7 to \$8 million dollars from their budget and that causes a challenge to have assessments increased. Mr. Smith stated that is the kind of input that we need. He noted that it could be that other projects need to be removed. Mr. Smith noted that we can make adjustment to the budget into May.

11. Comments from the Committee

An opportunity was provided for Management Committee members to present a brief summary of current events. The Management Committee is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mike Sabatini announced that Mike Ellegood had assumed the position of Transportation Director and Public Works Director and that Mike will be attending the Management Committee meetings in the future.

There being no further business, the meeting adjourned at 12:50 p.m.

Chairman

Secretary